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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

6 EUGENE A. MAUWEE, SR.,

3:12-cv-00580-RCJ-WGC

7 Plaintiff,

ORDER

8 || V.

9 GREG COX, et. al.,

Defendants.

12 Before the court is Plaintiff's Motion for Judicial Notice to the Court. (Doc. # 24.)¹
13 Defendants have filed a response to the motion. (Doc. # 25.)

14 In this motion, Plaintiff asks the court to take judicial notice of three items he calls
15 "adjudicative facts":

16 (1) That a photo of deer antlers that he received from the Native American sponsor was the same
17 size as the antlers that were allegedly destroyed by defendant Olivas (and he attaches a photo as
18 an exhibit). (Doc. # 24 at 2.)

19 (2) That Olivas destroyed the antlers with malice, and he states that this will be proven by
20 testimony of the chaplain. (*Id.*)

21 (3) That defendant Olivas and Warden Robert LeGrand violated the Nevada Department of
22 Corrections (NDOC) Administrative Regulation (AR) 339 which is a code of ethics for
23 employees by making false or misleading statements. (*Id.* at 3.)

Judicial notice is only appropriate where the to-be-noticed facts are either "generally known" or "capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned." Fed. R. Evid. 201. The facts proposed by Plaintiff do not fall into either of these categories. Instead, these are Plaintiff's arguments or theories that are similar

¹ Refers to court's docket number.

1 to those asserted in his opposition to defendant Olivas' motion for summary judgment. Therefore,
2 Plaintiff has not provided evidence for which judicial notice is appropriate and his motion (Doc.
3 # 24) is **DENIED**.

4 **IT IS SO ORDERED.**

5 DATED: June 16, 2014.

6 *William G. Cobb*

7 WILLIAM G. COBB
8 UNITED STATES MAGISTRATE JUDGE

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